

Council President Calls for Ag Reserve Task Force

Almanac
3-23-06

Tension continues between preservation and growth.

BY KEN MILLSTONE
THE ALMANAC

In November, the Montgomery County Council hired former Planning Board Chairman Royce Hanson as a consultant on development oversight following the planning fiasco in Clarksburg.

In a memo last month, Hanson invoked his right to speak to the Council as a citizen in order to address "a vivid example of the deficit in institutional and intellectual leadership" in county planning that he said "may become the next planning crisis."

The pending crisis, he said, is a series of threats to the county's 93,000-acre Agricultural Reserve, which Hanson helped create in 1980. He spent two pages on the topic of sand mound septic systems.

SAND MOUND systems effectively enable residential development in areas — including large sections of the Reserve — where building would otherwise be impossible, placing them at the center of a de-

bate about preservation, agriculture and property rights.

Developers and farmers say that the sand mound systems are an accepted technology and that developments relying on them should proceed under the county's already stringent zoning and development review process.

But environmental groups and experts such as Hanson have said that the sand mounds are skirting master plans and allowing development that the architects of the Reserve never intended.

With that in mind, then-Council President Tom Perez (D-5) and Councilmember Marilyn Praisner (D-4) introduced legislation last November that would impose a six-month moratorium on sand mound construction.

Perez has repeatedly said that the moratorium is meant only to give the Council time to step back

SEE TASK FORCE, PAGE 5



Leventhal

Ag Reserve Task Force

FROM PAGE 4

and more carefully address a growing number of threats to the

"The problem to which this is the solution is the effort to subdivide and build 15 McMansions in the Ag Reserve, something that I believe is not consistent with the character of the Ag Reserve," he said. "I believe that having this in place is going to serve as a useful incentive for us to put issues on the table. I know they're hard issues and I know there are honest differences of opinion among the various stakeholder groups."

The proposed moratorium drew dozens of opponents and supporters to a November hearing and last week the Council's Transportation and Environment Committee decided to delay action on the measure following a contentious 90-minute meeting.

Council President George Leventhal (D-At Large) repeatedly questioned Perez during the committee meeting over the bill's intended effect.

"We now have before us a proposal that the effects are not clear," said Leventhal. "This proposal does not freeze the status quo" — a Perez claim — "It imposes a very different situation than the status quo."

Leventhal instead proposed that he appoint an ad hoc citizen task force to examine the jumble of issues facing the Reserve: not only sand mounds but also school and church development and residential construction under "tot lot" pro-

'Transferrable Development Rights'

In 1980, the Montgomery County Council approved a master plan that created the Agricultural Reserve that now makes up almost one-third of the county. Development rules established in the 1970s had created a rural zoning of one house per five acres. The 1980 plan further limited that to one house per 25 acres and compensated landowners who would no longer be able to develop their properties through a pioneering program of "Transferable Development Rights" (TDRs). The landowners were awarded one TDR for each five undeveloped acres, and the TDRs could be sold to developers working in "TDR receiving zones" in denser downcounty areas, mostly around Metro and the I-270 corridor.

house per 25 acres and given transferable development rights, which they could sell to compensate for the lost value.

The TDRs now sell for about \$40,000 each, but landowners stand to earn much more by retaining some TDRs and building on their land, where a large single family home could be worth \$1 million or more. Rules that allow such houses to be clustered together create the possibility of suburban-style subdivisions in the Reserve.

One such development is Winchester Homes' Stoney Springs, which would include 13 homes near Poolesville. All of the houses would require sand mound septic



Perez

visions, which make zoning exceptions when landowners build residences for their children. The rules were meant to foster family farming,

but critics call them a loophole that can be exploited for profit.

The committee voted 3-0 to send the task force proposal on to the full Council.

"SOME OF [the farmers] would much rather grow houses than crops," said Dolores Milmo, an Audubon Naturalist Society conservationist and former Potomac resident. "This is like fighting for the Reserve all over again, fighting for the downzoning all over again."

Farmers living upcounty before 1980 saw their land downzoned when the Agricultural Reserve was created that year. Instead of being able to build one house per five acres, they were limited to one

systems. Stony Springs' subdivision request before the Planning Board last March prompted Hanson's first on-record statement there in 24 years.

"When the [Agricultural Reserve Master] Plan was adopted, we were quite aware of various alternative technologies in use in other jurisdictions, including sand mounds," Hanson said. "Because we anticipated they could eventually be proposed for the Reserve, we recommended against them. I confess it did not occur to us to enumerate them, even if we could have."

But a citizen task force will likely have the next chance to weigh in on sand mounds, and in the meantime, sand mound developments are likely to proceed: Transportation and Environment Committee Chair Nancy Floreen (D-At Large) called Perez's moratorium proposal "not ready for prime time."



Floreen